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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

MEHRPOUR, N

ART UNIT

PAPER NUMBER

2682

DATE MAILED:

10/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/227,389

Applicant(s)

Kent K. Leung

Examiner
Naghmeh Mehrpour

Art Unit
2682



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 23, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-40**, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art as mentioned on specification on pages 1-5 in view of RFC 2002 Perkins, ED Mobile IP. Regarding **Claims 1, 3, 10, 13, 23, 27, 37, 39**, the admitted prior art teaches a network device which supports mobile IP and is configured to send an accounting request, the accounting request identifying a mobile node, the network device composing: a memory, and a processor coupled to the memory, wherein the network device is adapted for updating a counter associated with the mobile node's activity (Page 3 lines 23-30, Page 4 lines 1-5). The admitted prior art does not specifically mention that the network device adapted for sending the accounting request including the counter to a server adapted for recording accounting information associated with the mobile node. However RFC 2002 Mobile IP teaches that the network device adapted for sending the accounting request including the counter to a server adapted for recording accounting information associated with the mobile node (Page 15 lines 1-5). Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of RFC

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to the admitted prior art, in order provide the quantity of information sent and received by mobile nodes.

Regarding **Claims 2, 5, 9, 15-17, 20, 25, 29-31, 34**, the admitted prior art teaches a network device received and send packets by the mobile node (Page 3 lines 4-18) . The admitted prior art does not specifically mention that a counter indicates number of packets and number of bytes that received and send to the mobile node. However RFC teaches a counter indicates number of packets and number of bytes that received and send to the mobile node (Page 15 lines 1-5, Page 41 lines 1-20) Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of RFC to the admitted prior art, in order to keep track of number times that system registers.

Regarding **Claims 4, 26, 28, 38, 40**, the admitted prior art teaches a server that is adapted for sending an accounting reply to the network device in response to the accounting request (Page 3 lines 4-10, lines 25-30). The admitted prior art fails to teach that the accounting reply acknowledging logging of the accounting information pertaining to the mobile node. However when a mobile registers to the Base station the acknowledgment response is a well known feature in the mobile system. Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching to the admitted prior art, in order to let the mobile know that the registration is complete.

Regarding **Claims 6-7, 14, 18, 32**, the admitted prior art teaches a server wherein the counter indicates a number of registrations that have been accepted (Page 3 lines 26-30).

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Regarding **Claims 8, 19, 33**, the admitted prior art teaches a server wherein the counter indicates a total service time for the mobile node (Page 3 lines 27-28).

Regarding **Claims 11, 21, 35**, the admitted prior art teaches a server wherein the network device is a Home Agent or a Foreign Agent (Page 2 lines 2-6).

Regarding **Claims 12, 22, 36**, the admitted prior art fails to teach a server wherein the server is a TACACS + or a RADIUS server. However RFC 2002 Mobile IP publication teaches a server wherein the server is a TACACS + or a RADIUS server (Page 10 lines 7-10). Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of RFC to the admitted prior art, in order to provide security association for registration authentication.

Regarding **Claim 24**, the admitted prior art teaches a method further including forwarding the data packet to another network device (Page 3 lines 7-12).

Response to Arguments

4. Applicant's arguments filed 7/23/01 have been fully considered but they are not persuasive.

In response to applicant's argument that Applicant was unable to locate a reference in RFC 2002 that disclose sending a counter associated with a mobile node's activity to a server adapted for recording accounting information associated with the mobile node. Rather, page 15 lines 1-5 of Applicant's reference copy of RFC 2002 relates to agent advertisement and solicitation messages, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention

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must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to applicant's argument that "*A registration reply neither disclose nor suggests acknowledging logging of accounting information pertaining to a mobile node in response to an accounting request including at least one counter associated with the accounting information.*"

Examiner responses that when a mobile registers to the Base station the acknowledgment response is a well known feature in the mobile system. Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching to the admitted prior art, in order to let the mobile know that the registration is complete. In addition acknowledging of logging of accounting information in response to an accounting request including a counter with the accounting information is a design choice and can be done by writing a simple software.

In response to applicant's argument regarding Claims 12, 22, 36, that Applicant was unable to locate reference to TACAS+ or RADIUS server on page 10 lines 7-10 of RFC 2002. Since there is no numbering on the page 10, the Examiner suggests that Applicant read the whole page 10 of the document.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the

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teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the admitted prior art fails to teach a server wherein the server is a TACACS + or a RADIUS server. However RFC 2002 Mobile IP publication teaches a server wherein the server is a TACACS + or a RADIUS server (Page 10 lines 7-10). Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of RFC to the admitted prior art, in order to provide security association for registration authentication.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. 10.

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6. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308--6296, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Oct 2, 2001



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